

Application No.: 10/571,889

2003P13518WOUS
Peter BERDELLE-HILGE**REMARKS*****Claim Status***

After entry of this Amendment, Claims 4 – 6 are pending. By this Amendment, Claims 1 – 3 are cancelled, and new Claims 4 – 6 are added. No new matter has been added.

Specification

The Examiner objects to the abstract for improper language. By this Amendment, Applicant submits a new abstract, as set forth in the above section “Amendments to the Specification.” In view of the new abstract, Applicant respectfully requests the Examiner to reconsider and withdraw the objection to the abstract.

Claim Objections

The Examiner objects to the form of the claims, and requests that individual elements should be separated by line indentations. By this Amendment, Applicant cancels Claims 1 – 3, and adds new Claims 4 – 6, as set forth in the above listing of claims. In new Claims 4 – 6, individual elements are separated by line indentations. Applicant respectfully requests the Examiner to reconsider and withdraw the objections to the claims.

Claim Rejections – 35 U.S.C. § 112 .

The Examiner rejects Claims 1 – 3 under 35 U.S.C. § 112, 2nd paragraph, as being indefinite because there is insufficient antecedent basis for several limitations, because of the “may be” language, and because it is unclear what features are actually part of the claimed invention.

By this Amendment, Applicant cancels Claims 1 – 3 and adds new Claims 4 – 6, as set forth in the above listing of claims. New Claims 4 – 6 comply with 35 U.S.C. § 112, 2nd paragraph. In view of new Claims 4 – 6, Applicant respectfully requests the Examiner to withdraw the rejections under 35 U.S.C. § 112, 2nd paragraph.

Application No.: 10/571,889

2003P13518WOUS
Peter BERDELLE-HILGE***Claim Rejections – 35 U.S.C. § 102***

The Examiner rejects Claims 1 and 3 under 35 U.S.C. § 102(b) as being anticipated by Castagnoli (US Patent No. 4,310,276). Hence, the Examiner asserts that Castagnoli discloses each and every limitation of Claims 1 and 3.

Notwithstanding the propriety of the instant rejections, Applicant cancels Claims 1 – 3, and adds new Claims 4 – 6, as mentioned above in response to the rejections under 35 U.S.C. § 112, 2nd paragraph.

New independent Claim 4 defines a device for sorting flat mailings that includes, among other limitations, a pouch loop system defining a transport path including a lower level and an upper level connected via level transitions, wherein the upper level of the transport path extends at least partially above and parallel to the lower level, wherein the transport path includes several partial loops comprising the level transitions and arranged within an inner area of the pouch loop system, wherein the level transitions are positioned adjacent to one another within the inner area of the pouch loop system; Castagnoli does not disclose or suggest a device for sorting flat mailings, as defined in new Claim 4.

Castagnoli discloses in Fig. 1 a sorting machine having a rail 1 extending in a closed circuit, two loading stations 2, and four sorting stations 3. (Col. 4, lines 42 – 49.) As shown in Fig. 1, the rail 1 connects to the loading stations 2 at a lower height than to the sorting stations 3. To compensate for the difference in height, the rail 1 includes two slope sections. Further, at the height of the loading stations 2, the rail 1 extends in one plane, and at the height of the sorting stations 3, the rail 1 extends again in one plane, which differs from the other plane.

However, Castagnoli's rail 1 does not form a transport path, wherein an upper level of the transport path extends at least partially above and parallel to a lower level. Instead, as shown in Fig. 1, a traverse section of the rail 1 passes lower sections at a right angle.

Further, Castagnoli's rail 1 does not form a transport path, wherein several partial loops comprise level transitions and are arranged within an inner area of the pouch loop system, wherein the level transitions are positioned adjacent to one another within the inner area of the pouch loop system. Above all, in Castagnoli, the structure of the rail 1 is such that there is no inner area in the sense of the claimed

Application No.: 10/571,889

2003P13518WOUS
Peter BERDELLE-HILGE

invention, in particular none that could comprise partial loops that comprise level transitions.

Moreover, due to the different structure, Castagnoli does not disclose pouch loading stations at the partial loops at the lower level, wherein the pouch loading stations are arranged adjacent to one another on the lower level. As mentioned above, the partial loops according to new Claim 4 are within an inner area, which Castagnoli does not disclose.

In view of the foregoing, Applicant respectfully submits that Castagnoli fails to disclose at least the above discussed limitations of new Claim 4, and, as such, does not anticipate new Claim 4. Applicant respectfully requests the Examiner to reconsider and withdraw the rejections under 35 U.S.C. § 102(b) and to pass new Claim 4 to allowance.

Claims 5 and 6 depend from new Claim 4. For this reason and because of the additional features recited in Claims 5 and 6, Applicant respectfully submits that Castagnoli does not anticipate new Claims 5 and 6. Applicant respectfully requests the Examiner to pass Claims 5 and 6 to allowance.

Claim Rejections – 35 U.S.C. § 103

The Examiner rejects Claim 2 under 35 U.S.C. § 103(a) as being unpatentable over Castagnoli in view of Lund (U.S. Patent No. 4,244,672). By this Amendment, Claim 2 is cancelled.

New Claim 5 corresponds to previous Claim 2, and depends from new Claim 4. The above arguments regarding new Claim 4 are repeated here. Lund does not provide the Claim 4 features missing in Castagnoli to render new Claim 4 unpatentable. Applicant respectfully requests the Examiner to pass new Claim 5 to allowance.

Summary of response

Applicant has responded to the rejections in the non-final November 2, 2007 Office Action by presenting the foregoing amendments and arguments. Applicants respectfully submit that Claims 4 – 6 are in condition for allowance. Applicant respectfully requests the Examiner to withdraw all rejections and to pass this application to the issue process.

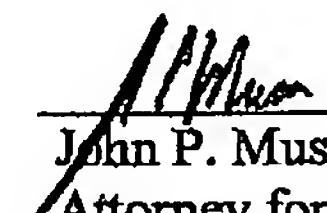
Application No.: 10/571,889

2003P13518WOUS
Peter BERDELLE-HILGE***Request for telephone interview***

The undersigned has made a good faith effort to respond to the objection and to all of the rejections raised in the Office Action so as to place the claims in condition for immediate allowance. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is respectfully requested to call the undersigned attorney of record at the telephone number listed below in order to resolve such issues promptly.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 502464 referencing attorney docket number 2003P13518WOUS. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account

Respectfully submitted,

Date: 1/29/08

John P. Musone
Attorney for Applicant
Registration No. 44,961
Tel: (407) 736 6449
Customer No.: 28204